

**Remarks**

By the foregoing Amendment, Claims 1-8, 10, 13, 18-20, 24-26, 29, 33, 59-62, 64, 69, and 74 are amended. No new matter is added by this Amendment. Entry of the Amendment, and favorable consideration thereof, is earnestly requested.

The Examiner has indicated that Claim 18, if rewritten in independent form, would be allowable. Accordingly, Claim 18 has been amended to incorporate the limitation of Claim 1.

The Examiner has indicated that Claim 20, if rewritten in independent form, would be allowable. Accordingly, Claim 20 has been amended to incorporate the limitations of Claims 1 and 19.

The Examiner has indicated that Claim 33, if rewritten in independent form, would be allowable. Accordingly, Claim 33 has been amended to incorporate the limitations of Claims 24 and 32.

The Examiner has indicated that Claim 59 would be allowable if amended to overcome the rejections under 35 U.S.C. 112. Claim 59 has been amended accordingly.

The Examiner has rejected Claims 1, 2, 15, 17 and 21 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,662,378 to Duke ("the '378 patent"). The Examiner has also rejected Claims 3-8, 9-13, 14, 19, 22, 23, 24, 25, 26, 27-29, 30, 31, 32, and 34 under 35 U.S.C. 103(a) as being unpatentable over the '378 patent in view of various U.S. Patents named in the Office Action. These rejections are respectfully traversed.

**Specification:**

The Examiner has objected to the Abstract because it includes reference to the "invention." The Applicant has amended the Abstract accordingly.

The Examiner has objected to paragraph [0043] for containing informalities. The Applicant has amended Paragraph [0043] to correct the informalities.

**112 Rejections:**

The Examiner has rejected Claims 2-8, 10, 13, 19, 20, 24-34, and 59-77 under 35 U.S.C. 112, 2<sup>nd</sup> paragraph. The Applicant has amended Claims 2-8, 10, 13, 19, 20, 24, 25, 26, 29, 59-62, 64, 69, and 74 to more particularly point out and distinctly claim the subject matter of the present invention. No new matter is added by these Amendments.

**102(b) Rejection:**

The Examiner has rejected Claims 1, 2, 15, 17 and 21 under 35 U.S.C. 102(b) as being anticipated by the '378 patent. Claims 1-17 and 21 require among other limitations, at least one seat back assembly fixedly secured to said beam. The Applicant respectfully submits that the '378 patent does not disclose at least this limitation.

The '378 patent discloses a seat structure having a back for the several seats secured between front and rear bars 11 and 12, the bars extending downward beyond the lowermost slat 10 and beginning secured, as at 13, to the standards or supports 7. Col. 1, lines 36-48. The '378 patent further discloses that the bars 12 which secure the back have their lower terminals secured to the standards 7 at a point below the shaft 20 so as to permit the swinging movement of the rear portions of the seats. Col. 2, lines 92-108.

Nowhere in the '378 patent is a seat back assembly fixedly secured to said beam, as required by Claims 1-17 and 21 of the pending application, disclosed or even suggested. In fact, the '378 patent specifically teaches away from securing the seat back to the shaft 20 in order to provide a clearance in which the rear portions of the seats may swing upwardly to folded position. Figure 2.

Claims 1-17 and 21 as amended also require among other limitations, a plurality of seat connection mechanisms secured to said beam, each comprising a connector support extending forward from the beam in a substantially horizontal position. The Applicant respectfully submits that the '378 patent also fails to disclose the above-mentioned limitations.

Shown in Figure 1, the '378 patent discloses bars 18 for securing parallel slats 17 of the seat. Col. 2, lines 57-59. Bearings 19 are secured to the bars 18 to allow for turning movement on the shaft 20. Col. 2, lines 59-64. Contrary to the present invention, the seats in the '378 patent are mounted via the bars 18 which have loops between their ends loosely embracing shaft 20. Col. 2, lines 64-69. Further, this configuration creates a significant disadvantage in that the entire shaft 20 must be withdrawn from the seat structure in order to release a single seat. Col. 2, lines 89-91. Thus, nowhere is it disclosed or even suggested in the '378 patent a plurality of seat connection mechanisms secured to said beam, each comprising a connector support extending forward from the beam in a substantially horizontal position.

The seat connection mechanisms of the claimed invention provide a means by which a plurality of seat bottom assemblies may be separately pivotable about an axis through the connector support of said plurality of seat connection mechanisms. Unlike the prior art, this axis lies forward of the beam to which the seat connection mechanisms are secured. Such configuration is not disclosed by the '378 patent nor any other reference cited by the Examiner.

It is well settled that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Therefore, Claims 1, 2, 15, 17 and 21 of the pending application cannot be anticipated by the '378 patent.

### **103(a) Rejections:**

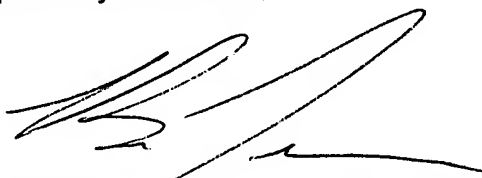
The Examiner has rejected Claims 3-8 under 35 U.S.C. 103(a) as being unpatentable over the '378 patent in view of U.S. Patent 5,306,072 to Caldwell ("the '072 patent"); Claims 9-13 as being unpatentable over the '378 patent in view of U.S. Patent 5,529,376 to Jovan et al ("the '376 patent"); Claim 14 as being unpatentable over the '378 patent in view of U.S. Patent 3,785,600 to Padovano ("the '600 patent"); Claim 19 as being unpatentable over the '378 patent in view of U.S. Patent 3,850,476 to Day ("the '476 patent"); Claims 22 and 23 as being unpatentable over the '378 patent in view of U.S. Patent 6,135,562 to Infanti ("the '562 patent"); Claims 24, 27-29, 31, and 34 as being unpatentable over the '378 patent in view of the '376 patent; Claims 25 and 26 as being unpatentable over the '378 patent in view of the '376 patent; Claim 30 as being unpatentable over the '378 patent in view of the '376 patent and the '600 patent; and Claim 32 as being unpatentable over the '378 patent in view of the '376 patent and the '476 patent.

As described above, Applicant submits that the '378 patent fails to disclose, teach or suggest at least one seat back assembly fixedly secured to said beam and a plurality of seat connection mechanisms secured to said beam, each comprising a connector support extending forward from the beam in a substantially horizontal position, as required by Claim 1 from which Claims 3-8, 9-13, 14, 19, 22, and 23 depend. The additional patents cited by the Examiner fail to provide the missing disclosure of the '378 patent, thus no combination thereof can render any claim of the present application obvious.

Applicant further submits that the '378 patent fails to disclose, teach or suggest at least one seat back assembly fixedly secured to said beam assembly and a plurality of seat connection mechanisms secured to said beam assembly, each comprising a connector support extending forward from the beam in a substantially horizontal position, as required by Claim 24 from which Claims 25, 26, 27-29, 30, 31, 32, and 34 depend. Again, the additional patents cited by the Examiner fail to provide this disclosure missing from the '378 patent, thus no combination thereof can render any claim of the present application obvious.

It is respectfully submitted that Claims 1-15, 17-34, and 59-77 as amended, all of the claims remaining in the application, are in order for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,



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